

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1158 of 1995

in

SPECIAL CIVIL APPLICATION No 2914 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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AUDA

Versus

CHINUBHAI MOHANBHAI PATEL

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Appearance:

MR NV ANJARIA for Appellant  
MR RS SANJANWALA for Respondent No. 1

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CORAM : MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE A.M.KAPADIA

Date of decision: 28/08/98

ORAL JUDGEMENT (Per C.K. Thakker, J.):

1. On 24.8.1998 Mr.Sanjanwala, learned counsel, was not present either in the first session or in the second

session. We passed following order:

"Mr. Sanjanwala, learned counsel, is not present at the second time. In the morning also, he was not present. With a view to give him last change, S.O. to 28th August, 1998. Mr. Anjaria, learned counsel for petitioner, is present."

2. In the morning Mr.Sanjanwala was not present. Now in the second session also he is not present.

3. The point agitated in the present LPA is squarely covered by the decision of the Honourable Supreme Court in Ahmedabad Urban Development Authority v. Manilal Gordhandas & ors, (1996) 11 SCC 482. The judgment and order passed by this Court came to be reversed by the Honourable Supreme Court. On the basis of the said judgment, a number of matters came to be disposed of at a subsequent stage. Mr. Shelat states that this is the only matter which was left out.

4. In view of the fact that last time last opportunity was given to Mr. Sanjanwala and even now he is absent, the order passed by the learned Single Judge deserves to be set aside. Appeal is allowed. No order as to costs.

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